

Bayer 10,159.3-HCL  
Le A 33 364 US-01 Lin/SW0**REMARKS*****Information Disclosure Statement***

The applicants have also filed an IDS which acknowledges the filing of U.S. Serial No. 09/867,835 (which was also examined by the examiner of record for the present application) which is a divisional application of U.S. Serial No. 09/232,738.

Although U.S. Patent 6,291,503 (SN: 09/232,738) is a parent of this application are commonly assigned, different inventive entities are involved (i.e. Markus Albers is additionally listed as an applicant in the present application). Therefore, the '503 patent could also be used as a reference under 102(e)/103(a) as it was filed prior to 29 November 2000 (see MPEP 804, especially page 800-18) and as such is also noted in the IDS for the examiner's consideration.

***Objections to the Specification***

It is believed that the attached amendments address the objections raised in the previous office action.

***35 U.S.C. 112, first paragraph rejection***

Given that the new amendment procedures requires that all claims be recopied, for brevity's sake, the examiner is authorized to delete the term "preventing" from claim 14 if the claims are otherwise allowable. (Applicants reserve the right to continue prosecution for "preventing" cancer in a divisional application)

***Obviousness-type Double Patenting (ODP) Rejection***

If the ODP rejection is the only remaining issue preventing allowance of the claims, it is requested that the examiner call the undersigned so that a faxed copy of a terminal disclaimer can be sent to the examiner.

***Suspension of Action***

Please note that a three-month suspension of action request has also been submitted concurrent with this response.

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**Closing**

Applicants also believe that this application is in condition for allowance. However, should any issue(s) of a minor nature remain, the Examiner is respectfully requested to telephone the undersigned at telephone number (212) 808-0700 so that the issue(s) might be promptly resolved.

Respectfully submitted,  
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**CERTIFICATE OF FACSIMILE TRANSMISSION**

I hereby certify that the foregoing Amendment under 37 CFR § 1.111 (13 pages total) is being facsimile transmitted to the United States Patent and Trademark Office on the date indicated below:

Date: 13 June 2003

By: Julie Harting  
Julie Harting